

Patent
Serial No. 10/580,515
Amendment in Reply to Final Office Action of November 17, 2009
and Advisory Action of February 11, 2010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of Atty. Docket: CN020023
BEI WANG ET AL. Confirmation No.: 2067
Serial No.: 10/580,515 Examiner: SON T. HOANG
Filed: October 30, 2006 Group Art Unit: 2165

Title: **OPTICAL DISC WITH A GENERIC LOGICAL FORMAT**

**Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

APPEAL BRIEF

Sir:

Appellants herewith respectfully present its Brief on Appeal as follows:

REAL PARTY IN INTEREST

The real party in interest is Koninklijke Philips Electronics N.V., a corporation of The Netherlands having an office and a place of business at Groenewoudseweg 1, Eindhoven, Netherlands 5621 BA.

RELATED APPEALS AND INTERFERENCES

To the best of Appellants' knowledge and belief, there are no related appeals or interferences.

STATUS OF CLAIMS

Claims 26-30 are pending in this application. Claims 1-25 are canceled. Claims 26-30 are rejected in the Final Office Action that issued November 17, 2009. This rejection was upheld, in an Advisory Action that mailed on February 11, 2010 in response to an Amendment After Final Action that was submitted on January 15, 2010. Claims 26-30 are the subject of this appeal.

STATUS OF AMENDMENTS

An Amendment After Final Action was submitted on January 15, 2010 in response to a Final Office Action mailed on November 17, 2009. The Amendment After Final Action did not include any amendments. In an Advisory Action mailed on February 11, 2010, it is indicated that the after Amendment After Final Action will be entered but the Amendment After Final action does not place the application in condition for allowance. This Appeal Brief is in response to the Final Office Action mailed on November 17, 2009, that finally rejected claims 26-30, which remain finally rejected in the Advisory Action mailed on February 11, 2010.

SUMMARY OF CLAIMED SUBJECT MATTER

The present invention, for example as claimed in claim 1, relates to an optical storage medium (e.g., see, present application, FIG. 1 and page 4, lines 12-14) including a plurality of content object files including a plurality of data types having a plurality of data formats for playback on a data processing system appropriate for playback of at least one data format (e.g., see, present application, FIG. 1, object files 12, page 3, lines 18 through page 4, line 1 and page 4, lines 14-16); an application layer including a generic logic format having a data structure in which the content object files are stored on the optical storage medium (e.g., see, present application, FIG. 1 and page 4, lines 12-14); and a physical layer directly linked to a physical character of the optical storage medium, wherein the application layer is separate from said physical layer (e.g., see, present application, page 4, lines 1-3), wherein said generic logic format includes at least two content object files, wherein the data format of at least two of the content object files is different (e.g., see, present application, page 4, lines 4-9); at least one object definition file associated with each content object file (e.g., see, present application, FIG. 1, object definition files 13, page 4, lines 16-17), the at least one object definition file being written in a meta-language and describing the data type and data format in one of said at least two content object files (e.g., see, present application, FIG. 1, object definition files 13, page 4, lines 23-26); and an index file being written in a meta-language and including a table of contents having a reference to one of the at least

two content object files (e.g., see, present application, FIG. 1, index file 20, page 4, lines 19-21).

It should be explicitly noted that it is not the Appellants' intention that the currently claimed device and method be limited to operation within the illustrative device and method described above beyond what is required by the claim language. Further description of the illustrative device and method is provided above indicating portions of the claims which cover the illustrative device and method merely for compliance with requirements of this appeal without intending any further interpreted limitations be read into the claims as presented.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 26-30 of U.S. Patent Application Serial No. 10/580,515 are obvious under 35 U.S.C. §103(a) over U.S. Patent No. 6,574,417 to Lin ("Lin") in view of U.S. Patent Publication No. 2004/0078382 to Mercer ("Mercer").

ARGUMENT

Claims 26-30 are said to be obvious over Lin in view of Mercer.

Appellants respectfully request the Board to address the patentability of independent claim 26, and further claims 27-30 as respectively depending from independent claim 1, based on the requirements of independent claim 1. This position is provided for the specific and stated purpose of simplifying the current issues on appeal. However, Appellants herein specifically reserve the right to argue and address the patentability of claims 27-30 at a later date should the separately patentable subject matter of claims 27-30 later become an issue. Accordingly, this limitation of the subject matter presented for appeal herein, specifically limited to discussions of the patentability of independent claim 1 is not intended as a waiver of Appellants' right to argue the patentability of the further claims and claim elements at that later time.

Lin shows a system that preprocesses one of several different data formats ("recordable DVD standard may be incompatible with the file structure and navigation data requirements of a program encoded to a different standard such as a read-only DVD format", see, Lin, col. 3, lines 21-25) prior to storing a given data format on a disk (see, Lin, col. 3, lines 36-44).

So, while it is true that Lin "adaptively generates and processes-file structure and navigation data of different data format", it does so by a "processing system [that] encodes a

video program into a generic data format (as exemplified in FIG. 1) that is compatible with recordable and read-only video processing devices." (See, Lin, col. 3, lines 36-44, emphasis added.)

As clear from Lin, Lin (emphasis added, see, Lin, col. 3, line 61 through col. 4, line 8):

minimizes the burden of generating such file structure and navigation data by advantageously adaptively generating and processing data in distinct modes. These modes comprise, (a) pre-processing, (b) contemporaneous and (c) post-processing modes. The pre-processing mode precedes a program recording or format conversion operation. The contemporaneous mode occurs during a program recording or format conversion operation. Further, the pre-processing and contemporaneous modes may each involve creating pre-formed data fields for subsequent insertion of file structure and navigation parameters. The post-processing mode occurs after program recording or format conversion and involves inserting file structure or navigation parameters in the pre-formed data fields.

Accordingly, the preprocessing mode of Lin, discussed in Lin, col. 5, line 53 though col. 6, line 5 and cited in the Final Office Action (see, Final Office Action, page 3) that operates on the different file formats (recordable DVD standard and read-only DVD format), is a preprocessing step that precedes recording of data on a data medium. As stated in Lin, "Pre-processing mode involves processing information that is obtainable prior to program recording." (See, Lin, col. 5, lines 53-54, cited in the Final Office Action, emphasis added.)

So while Lin shows preprocessing of different data formats, it is respectfully submitted that Lin does not teach, disclose or suggest that the different data formats are stored on the optical disk. In fact, Lin specifically teaches recording only one type of data format on the optical disk.

As is clear from Lin, "[i]n recording a new video program set, information items 701-716 are recorded and dummy data is incorporated for subsequent update in post-processing." (See, Lin, col. 7, lines 1-3, emphasis added.) Lin states that "[p]rogram chain information 705 and menu program chain information unit table 707 are updated to reflect the new changed number of programs and cells. Note, items 705 and 707 contain data related to program control for a video tile set and its associated menu. Navigation commands (NextPGC, PreviousPGC, GoUp PGC, PG playback mode, and Still Time Value) are recorded as dummy commands (NOP) if the navigation destination is unknown at this stage." (See, Lin, FIG. 3B and col. 7, lines 23-31, emphasis added.)

In other words as shown by Lin, discrepancies between the different data formats are masked by recording only one data type on the optical disk (read-only DVD format) and recording navigation commands that are not compatible with the read-only DVD format, as dummy data that is compatible with the read-only DVD format.

As such, as shown in Lin, all of the data written on the medium is only one type of data format, the read-only DVD format.

Lin states "[a] processing system, according to the invention, adaptively generates and processes-file structure and navigation data of different data format. The processing system also converts file structure and navigation data between different formats for decoding, recording and other applications. In a specific embodiment, a processing system encodes a video program into a generic data format (as exemplified in FIG. 1) that is

compatible with recordable and read-only video processing devices." (See, Lin, col. 3, lines 36-44, emphasis added.)

The Advisory Action disagrees with this conclusion of what is in fact shown by Lin, stating "Lin teaches a disk may be used to store different 'programs' wherein a program is defined as 'any form of packetized data such as audio data, telephone messages, computer programs, Internet web pages or other communications' ([Column 2, Lines 64-67])."

It is respectfully submitted that reliance on this section of Lin or any section for that matter for showing storing on the optical disk "at least two content object files, wherein the data format of at least two of the content object files is different" as recited in claim 26 is misplaced.

Lin in col. 2, lines 56-67 including the section cited by the Advisory Action does not teach, disclose or suggest that an optical disk is recorded with different content object files having different data formats.

Lin in col. 2, lines 56-67 states (emphasis added):

A video processing system advantageously adaptively generates and processes volume/file structure and navigation data of different data format and converts data between different formats for decoding, recording and other applications. The principles of the invention may be applied to processing and storage of terrestrial, cable, satellite, Internet or computer network broadcast data. Further, although the disclosed system is described as processing video programs, this is exemplary only. The term 'program' is used to represent any form of packetized data such as audio data, telephone messages, computer programs, Internet web pages or other communications, for example.

Accordingly, as clear from the section of Lin cited in the Advisory Action, while Lin does process volume/file structure and navigation data of different data formats, such as

audio data, telephone messages, computer programs, Internet web pages or other communications, Lin is clear that the different data formats are converted (preprocessed as discussed above) prior to recording.

The Advisory Action further concludes that "Lin discloses these different programs and program types are indexed using a search pointer table ([Column 5, Lines 30-36]). It is well inherent that the claimed at least one data format playable by the processing system may be audio or video data formats." In this argument, it appears that the Advisory Action is attempting to argue that because Lin may store audio and video data, that the audio data content file is of a different data format than a video data content file.

This assertion is respectfully refuted for this interpretation of the claim language is not how a person of ordinary skill in the art would understand the claim language since in Lin, whether or not the data file is audio or video, the content object file is written as a "read-only DVD hierarchical data format (see, Lin, col. 4, lines 53-56).

Lin understood that "volume/file structure and navigation data of different data format(s)" exists (see, Lin, detailed discussion above and Lin, abstract), yet Lin teaches preprocessing the different data formats prior to recording, such that the recorded disk is recorded in only one data format (see, detailed discussion provided above).

The Advisory Action further cites Lin, FIG. 7 and col. 8, lines 7-9 in support of this position, however, it is respectfully submitted that reliance on this section of Lin or any section for that matter is misplaced.

Lin in col. 8, lines 7-26 including the section cited by the Advisory Action does not teach, disclose or suggest that an optical disk is recorded with different content object files having different data formats.

Lin in col. 2, lines 7-26 states (emphasis added):

FIG. 7 shows a flowchart for a method for providing volume/file structure and navigation data compatible with different data formats. In step 303 following the start at step 300, encoded packetized video data representing a video program is parsed to determine volume/file structure and navigation parameters for use in navigating through a sequence of video images. The parameters may support navigation through images in normal or trick play (e.g. fast forward, reverse, freeze frame etc.). However, the file structure and navigation parameters may also be derived and processed as part of a data format conversion process. The parameters determined in step 303 are formed into a predetermined structure in step 305 and the parameters, as structured, are incorporated into preformed file structure and navigation data fields in packetized video program representative data in step 310. In step 315, an indicator is incorporated into the packetized data to indicate that the file structure and navigation parameters have been inserted and the packetized data, as formed, is output in step 320. The process terminates at step 325.

As is clear from Lin, the volume/file structure is determined and then formed in a predetermined file structure and are incorporated into a preformed file structure. In Lin, the data is stored in a single data format and an indicator is incorporated into the data to indicate that the file structure and navigation parameters have been inserted.

The Advisory Action cites Lin, col. 5, lines 30-36 which states with regard to elements of FIG. 2 that:

Further, title search pointer table 233 includes search information items 253, 255, 257 and 259 each specifying program type, program number, number of camera angles, parental rating identifier and program start address, for example) for each program on a disk. Title search pointer table 233 also includes in item 248 parameters defining size and location of search pointer table 233 itself.

However, as clear from Lin, "FIG. 2 [cited in the Advisory Action as shown in Lin, col. 5, lines 30-36 discussed immediately above] shows a read-only DVD hierarchical data format indicating location and structure of navigation information used in decoding and navigating through video program image sequences for different modes of operation." (See, Lin, col. 4, lines 53-56.)

As is clear, Lin shows storing the programs in a single data format, specifically a read-only DVD hierarchical data format.

Mercer is cited to show other elements of the claims and as such, does not cure the deficiencies in Lin.

It is respectfully submitted that the optical storage medium of claim 26 is not anticipated or made obvious by the teachings of Lin in view of Mercer. For example, Lin in view of Mercer does not teach, disclose or suggest, an optical disk that amongst other patentable elements, comprises (illustrative emphasis added) "a plurality of content object files including a plurality of data types having a plurality of data formats for playback on a data processing system appropriate for playback of at least one data format; ... a physical layer directly linked to a physical character of the optical storage medium, wherein the application layer is separate from said physical layer, wherein said generic logic format comprises: at least two content object files, wherein the data format of at least two of the content object files is different" as recited in claim 26. Clearly, Lin shows a single type of data type is stored on the read-only DVD, namely a read-only DVD hierarchical data format and clearly, Lin, as a person of ordinary skill in the art, irrefutably appreciated that there are

different data formats, yet, teaches storing the data on the optical disk in a single data format.

Based on the foregoing, the Appellants respectfully submit that independent claim 26 is patentable over Lin in view of Mercer and notice to this effect is earnestly solicited.

Claims 27-30 respectively depend from claim 26 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of said claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

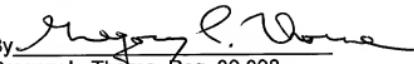
In addition, Appellants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Appellants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

CONCLUSION

Claims 26-30 are patentable over Lin in view of Mercer.

Thus the Examiner's rejection of claims 26-30 should be reversed.

Respectfully submitted,

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APPENDIX A

CLAIMS ON APPEAL

1-25. (Cancelled)

26. (Previously presented) An optical storage medium comprising:

a plurality of content object files including a plurality of data types having a plurality of data formats for playback on a data processing system appropriate for playback of at least one data format;

an application layer including a generic logic format having a data structure in which the content object files are stored on the optical storage medium; and

a physical layer directly linked to a physical character of the optical storage medium, wherein the application layer is separate from said physical layer,

wherein said generic logic format comprises:

at least two content object files, wherein the data format of at least two of the content object files is different;

at least one object definition file associated with each content object file, the at least one object definition file being written in a meta-language and describing the data type and data format in one of said at least two content object files; and

an index file being written in a meta-language and including a table of contents having a reference to one of the at least two content object files.

27. (Previously presented) The optical storage medium as claimed in claim 26, wherein the meta-language includes one of the following: Extensible Markup Language (XML), Synchronized Multimedia Integrated Language (SMIL), and a custom-defined meta-language.

28. (Previously presented) The optical storage medium as claimed in claim 26, wherein the application layer further comprises

 a plurality of content object files each containing a different data type and data format,

 a corresponding plurality of object definition files each defining the data type and data format in the corresponding content object file, and

 a presentation file, the presentation file including presentation definitions of the content object files to be played.

29. (Previously presented) The optical storage medium as claimed in claim 28, wherein the application layer further comprises a file system.

30. (Previously presented) The optical storage medium as claimed in claim 29, wherein the presentation file includes a playlist definition file, and wherein the playlist definition file is written in a meta-language.

31-40. (Cancelled)

APPENDIX B

Evidence on Appeal

None

APPENDIX C
Related Proceedings of Appeal

None